IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

WP(C).No. 33800 of 2006(W)

PETITIONER:

D.M.AJEESH KUMAR,
S/O.DEVARAJAN,
TREATMENT ORGANIZAR GDE-II,
GOVERNMENT TALUK HOSPITAL, HARIPPAD,
ALAPPUZHA DISTRICT.

BY ADV. SRI.M.V.THAMBAN

RESPONDENTS:
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1. THE DISTRICT MEDICAL OFFICER,
ALAPPUZHA.

2. THE DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

3. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE
GOVERNMENT, DEPARTMENT OF HEALTH AND FAMILY
WELFARE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 33800 OF 2006 W
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Dated this the 16th January, 2007

J U D G M E N T

The petitioner was appointed as Treatment Organizer Grade II in the Government Hospital, Harippad. He reported for duty on 7-6-2006 after undergoing training for a period of six months. But pay and allowances have not been paid to him from the month of June, 2006 onwards. He has filed this writ petition for a declaration that he is entitled to salary for the entire period he had worked with 18% interest on the arrears fallen due. A writ of mandamus directing the respondents to pay salary to the petitioner also has been sought for.

2. Govt. Pleader, on instruction, submits that pay has not been paid to the petitioner for want of head of account under which it has to be debited and due communication from the Accountant General.

3. The petitioner is justified in approaching this Court, for, even after waiting for a period of six months he has not been paid the emoluments for the works done by him. There is no unsurmountable hurdles

for disbursing the amount. By earnest efforts the problem can be solved. In fact, the respondents have got a duty to do so. Hence, the reliefs prayed for by the petitioner, namely, for a declaration that he is entitled for pay and allowances from 7-6-2006 onwards and for a direction to the respondents to pay the amount to the petitioner are granted. The amount due to the petitioner shall be paid as expeditiously as possible, in any event, within one month from the date of receipt of a copy of the judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for compliance.

K.K. DENESAN
JUDGE

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